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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,056	03/19/2004	Toshio Tanaka	119131	7066

25944 7590 06/01/2007
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EXAMINER

DUNHAM, JASON B

ART UNIT	PAPER NUMBER
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3625

MAIL DATE	DELIVERY MODE
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06/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/804,056	Applicant(s) TANAKA ET AL.	
	Examiner Jason B. Dunham	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant amended claims 1,8, and 13-14 and canceled claims 2-6 in the response filed March 27, 2007 to the office action dated December 27, 2006. Cancellation of claim 6 rendered the previous objection to claim 7 moot. The amendment to claim 13 rendered the previous 35 USC 101 rejection moot. Claims 1 and 7-14 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Weitzman (U.S. Patent Application Publication No. 2003/0182210).

Referring to claim 1. Weitzman disclose a layout system with order placement capability for performing layout, comprising:

- Layout section that performs layout (Weitzman: abstract);
- Layout order placing section that places an order for layout on the basis of a layout result produced by said layout section (Weitzman: paragraph 9); and

- user operation input section for inputting user operations, wherein said layout section performs layout according to operations inputted through user operation input section and said layout order placing section generates order data including an operation log information indicating the log of operations through said user operation input section and the layout result produced by said layout section and sending said generated order data to a vendor together with an order request (Weitzman: figure 4 and paragraphs 59-61). The examiner notes that Weitzman discloses outputting user input information for placing an order.

Referring to claim 8. Weitzman further discloses a layout system with order placement capability comprising layout evaluating section that evaluates a layout result produced by said layout section (Weitzman: figure 5a and paragraph 53).

Referring to claim 9. Weitzman further discloses a layout system with order placement capability wherein:

- Said layout evaluating section evaluates a layout result produced by said layout section and, depending on the result of the evaluation, requests said layout order placing section to place an order for layout (Weitzman: paragraphs 57-58); and
- Said layout placing section places an order for layout on the basis of a layout result produced by said layout section if said layout order placing section is requested to place an order for layout (Weitzman: paragraphs 22 and 57-58).

Referring to claim 10. Weitzman further discloses a layout system with order placement capability wherein an order condition can be set in said layout system and said layout evaluating section evaluate a layout result produced by said layout section

and, if the result of the evaluation meets said order condition, requests said layout order placing section to place an order for layout (Weitzman: paragraphs 37-39).

Referring to claim 11. Weitzman further discloses a layout system with order placement capability wherein said layout evaluating section presents said evaluation result to a user and, if placement of an order for layout is approved by said user, requests said layout order placing section to place said order for layout (Weitzman: paragraphs 53 and 57-58).

Referring to claim 12. Weitzman further discloses a layout system with order placement capability wherein said layout placing section places an order for layout on the basis of a layout result produced by said layout section by using one of a plurality of ordering system that is specified by the user (Weitzman: paragraph 22).

Referring to claims 13-14. Claims 13-14 are rejected under the same rationale set forth above as Weitzman discloses programs embodied in mediums and methods according to claims 13-14 (Weitzman: abstract and paragraph 62).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weitzman (U.S. Patent Application Publication No. 2003/0182210) in view of Gage (U.S. Patent No. 6,741,904).

Referring to claim 7. Weitzman discloses all of the above as noted under the 102(e) rejection but does not expressly disclose a system wherein said layout system is communicably connected to a matching system that performs matching with a designer. Gage discloses a layout system with order placement capability wherein said layout system is communicably connected to a matching system that performs matching with a designer and said layout order placing section generates order data including a layout result produced by said layout section and sends said generated order data to said matching system together with an order request (Gage: abstract, figure 1, column 3, line 66 – column 4, line 21). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the system of Weitzman to have included a matching system that performs matching with a designer, as taught by Gage, for facilitating the selection of designers (Gage: abstract).

Response to Arguments

Applicant's arguments filed March 27, 2007 have been fully considered but they are not persuasive. Applicant argues that the limitation of claim 1 including, "order data including an operation log information" is not disclosed by Weitzman. The examiner disagrees and notes paragraph 61 of Weitzman disclosing, "The event information in the electronic calendar can be exported to an out file, which can in turn be extracted by

an application program into the calendar layout.” The examiner submits that the out file of Weitzman allows a vendor to “readily know the user’s intent concerning the layout and therefore provide a layout that substantially satisfies the user’s intent”. Independent claims 13 and 14 as well as dependent claims 7-12 are rejected under the same rationale.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD
Patent Examiner
5/22/07


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600